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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,460	04/05/2007	Eberhard Schemm	13741/12	9924
26646	7590	09/01/2010	EXAMINER	
KENYON & KENYON LLP			SMITH, JASON C	
ONE BROADWAY			ART UNIT	PAPER NUMBER
NEW YORK, NY 10004			3617	
			MAIL DATE	DELIVERY MODE
			09/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,460	SCHEMM ET AL.	
	Examiner	Art Unit	
	Jason C. Smith	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 June 2010.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 13-15 and 18-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 13-15 and 18-25 is/are rejected.
 7) Claim(s) 26-29 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 01/20/2006 is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 14 and 26-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The features of claims 14 and 26 are so widely formulated that their formulation applies to any process.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13, 14, 18, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruendl et al. (DE4126454) in view of Aleshi (6,021,499). Gruendl et al. discloses a linear motor (abstract, “synchronous linear motor”) for a modular transportation device, comprising: at least one primary part (S, “stator section”) having a plurality of field-generating coils (SA, SB, SC, see figure 3) that are mounted side-by-side along a predetermined route; at least one secondary part (E, “exciter part”), wherein the plurality of field-generating coils of the at least one primary part provides a propulsion field for propulsion of the at least one secondary part, and wherein the at least one secondary part is configured to support at least one consumer positioned on the at least one secondary part (see pg. 9, lines 12-14 and pg. 9, line 23 – pg. 10, line 4); and an energy transmitting interface (abstract, “auxiliary devices”) interposed between the at least one primary part and the at least one secondary part, wherein an energy supply field having a higher frequency than a frequency of the propulsion field is superposed on the propulsion field (see page 9, line 20 – page 10 line 4), and wherein the energy supply field is inductively coupled via the energy transmitting interface and supplies energy to the at least one consumer positioned on the at least one secondary part (abstract, “for inductively transmitting power, a relatively high frequency alternating current is superimposed on the alternating current which is provided for generating the traveling wave field”). Gruendl discloses the linear motor set forth above, but does not disclose an ac/dc converter connected to the consumer via a dc/dc converter. However, Aleshi does disclose a dc/dc converter and an ac/dc converter (see claim 4 of Aleshi

and figures 1a and 1b). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide an ac/dc converter connected to a consumer via a dc/dc converter disclosed in Gruendl in view of the teaching of Alseshi. The motivation for doing so would have been to be able to operate at different supply voltages; [claim 14] at least one consumer (electrical load) of Guendl is configured to execute a procedure, being relevant to the application process; [claims 20-22] the coils of Gruendl generate energy and is available for various auxiliary means (see specification). The energy is also located opposite the secondary part and transmitting interface; [claim 23] Gruendl shows a power supply (EV) that ensures a supply of energy to the auxiliary devices; the subject matter of claim 24 differs from the subject matter of claim 13 only in having a different specified purpose, which has virtually no effect on the scope of protection in an apparatus claim. The linear motor of Gruendl et al. is suitable for the purposes specified in claim 24.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruendl et al. (DE4126454) in view of Aleshi (6,021,499) in view of Sink (5,497,038). Gruendl discloses the linear motor set forth above, but does not disclose a coil drive circuit. However, Sink does disclose a coil drive circuit (claim 20). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a coil drive circuit disclosed in Gruendl et al. in view of the teaching of Sink. The motivation for doing so would have been to create a traveling field that moves along with each magnet assembly.

7. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruendl et al. (DE4126454) in view of Aleshi (6,021,499) in view of Riggio et al. (2002/0172056). Gruendl discloses the linear motor set forth above, but does not disclose an ac/ac converter connected to the consumer via an ac/dc converter. However, Aleshi does disclose an ac/dc converter and an ac/ac converter (see paragraph 84). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide an ac/ac converter connected to a consumer via an ac/dc converter disclosed in Gruendl in view of the teaching of Riggio. The motivation for doing so would have been to be able to operate at different supply voltages.

Allowable Subject Matter

1. Claim 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
2. Claims 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Smith whose telephone number is (571) 270-5225. The examiner can normally be reached on M-F, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason C Smith/
Examiner, Art Unit 3617

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617